

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|----------------------------------|---|----------------------------|
| ILIO'ULAOKALANI COALITION, |) | CIVIL NO. 04-00502 DAE BMK |
| a Hawaii, nonprofit corporation; |) | |
| NA'IMI PONO, a Hawaii |) | DECLARATION OF THOMAS |
| unincorporated association; and |) | HELPER; EXHIBITS "A" AND |
| KIPUKA, a Hawaii unincorporated |) | "B" |
| association, |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| DONALD H. RUMSFELD, Secretary of |) | |
| United States Department of |) | |
| Defense; and FRANCIS J. HARVEY, |) | |
| Secretary of the United States |) | |
| Department of the Army, |) | |
| |) | |
| Defendants. |) | |
| |) | |

DECLARATION OF THOMAS HELPER

I, THOMAS HELPER, declare under penalty of perjury
that:

1. I am an Assistant U.S. Attorney for the District of Hawaii, and with Barry Weiner and James Gette, trial attorneys with the U.S. Department of Justice, Environment & Natural Resources Division, serve as co-counsel for the Federal Defendants in this matter.

2. I make this declaration in support of the Federal Defendants' Memorandum on Scope of Interim Injunctive Relief in Accordance with the Ninth Circuit's Remand that is filed herewith. This declaration is based on my personal knowledge, and I am competent to testify about the matters contained herein.

3. Attached hereto as Exhibit A are true and accurate copies of documents from the Army's Programmatic Environmental Impact Statement that are part of the Administrative Record in this matter. These documents are referenced in the Federal Defendants' Memorandum on Scope of Interim Injunctive Relief in Accordance with the Ninth Circuit's Remand as "ARP" followed by the pertinent bates number for the referenced document.

4. Attached hereto as Exhibit B are true and accurate copies of documents from the Army's Site-Specific Environmental Impact Statement that are part of the Administrative Record in this matter. These documents are referenced in the Federal Defendants' Memorandum on Scope of Interim Injunctive Relief in Accordance with the Ninth Circuit's Remand as "ARS" followed by the pertinent bates number for the referenced document.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed this 14th day of November 2006.

/s/ Thomas Helper

THOMAS HELPER